

MISSION:

THE SPECIFIC CLAIMS BRANCH WORKS TO ADDRESS OUTSTANDING GRIEVANCES IN PARTNERSHIP WITH FIRST NATIONS, ACROSS CANADA, THROUGH INCREASINGLY MUTUALLY ACCEPTABLE PRACTICES THAT ARE FAIR, TRANSPARENT, CREATIVE AND CONSISTENT WE WORK FOR CANADA TO ELLIEU ITS I AWEIL OR LIGATION TO THE LIEU ITS I AWEIL OR LIGATION

AND BECAUSE IT IS THE RIGHT THING TO DO, WE WORK TO STRENGTHEN THE RELATIONSHIP BETWEEN FIRST NATIONS AND CANADIANS, TO RESTORE AND MAINTAIN THE HONOUR OF

t sounds deceptively simples resolve First Nations' specific claims by working together. Somehow, it didn't happen until a few years ago when some First Nations leaders and the Specific Claims. Branch of the Department of Indian and Northern Affairs (DIAND) decided to take a chance on partnership. The parties started

chance on partnership talking, creating at environment of transparency with open communication and shared information. The Specific Claims Branch made the shift from claims settlement to grievance resolution. MICHEL ROY, FORMER DIRECTOR-GENERAL OF SPECIFIC CLAMS AT DIAND, DESCRIBED THE MOTIVATION FOR CHANCE. "FOOPLE WERE FRUSTANGED, GREWANCES SEEMED TO GO INTO A BIC BLACK HOLE — WE HAN ON FLEXILITY. — WE WERE TAKUNG IN LETTER, FIRST NATIONS FEET THAT, THROUGH OUR OLD PROCESS, THEY WERE LOSING SIGHT OT THEIR CLAIM. WE NEEDED TO O'PEN UP-THE PROCESS. YOU CAN'T TAKE ABOUT THE FUTURE IF FOR

THE NEW PROCESS

Specific claims arise when there is a grievance between a First Nation and the Crown that relates to a treaty, another agreement or a breach of responsibility by the Grown. In the past, a First Nation and Canada each conducted its own research into the claim. Disputes could take years to settle. Now, more and more, research is shared, oral evidence is collected as necessary and there is a combined determination to tell the whole story of the grievance. Now, DIAND and First Nations are developing ways to work together before negotiations begin. Within the framework of co-operation, the process is customized

to each individual claim. One size does not fit all and this process may not suit all First Nations A First Nation identifies a grievance and DIAND and the First Nation together contract an independent researcher who develops an historical report and analysis of the claim. If Canada accepts the claim for negotiation, the parties develop a process to settle the claim. If the claim is rejected the First Nation can pursue other options, including the courts, but whatever their choice, the joint research will have provided a common understanding of the facts behind the erievance.

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A New Path to Specific Claims Settlement

Michipicoten, on the northern shores of Lake Superior, has a series of potential claims dating back to the 1850 Robinson Superior Treaty signed by Chief Totononai of the Ojibway Nation. Land was lost and regained, villages were relocated and there were possible property infringements. Chief Sam Stone of the Michipicoten First Nation was among the first to propose a co-operative approach to settling these grievances. His proposal was a perfect fit with the new approach of the Specific Claims Branch.

CHIEF STONE WROTE: THE LARGE NUMBER OF CLAIMS ISSUES THAT ARE SERIOUS. YET RELATIVELY UNTOUCHED, OR REPRESENTS A UNIQUE ORDORUNITY FOR CANADA AND MICHIPICOTEN TO DESIGN AND IMPLEMENT A SPECIAL PROFESS. WE WANT TO BUILD ON OUR STRENGTHS AND DEVELOP THE REAL POTENTIAL OF THESE LANDS AND

ON OUR STRENGTHS AND DEVELOP THE MEAL POTENTIAL OF THESE LANDS AND OF OUR PEOPLE, BUT IN ORDER TO DO'SO, WE NEE TO CLEAR UP OUR HISTORIC GRIEVANCES WITH CANADA AND REGAIN CONTROL OF AS MUCH OF OU LAND AS POSSIBLE."

In the Michipicoten project, a protocol agreement set the ground rules. The Indian Ciains Commission (ICC) was asked to facilitate the process, and all parties established the terms of reference for research and selected a researcher. A community session, where elders and community members shared their knowledge of Michipicoten history, provided a forum for sifting through the memories on land transactions from 1895 onward. A parasistence projects of the properties of the proparasistence projects of the properties of the proparasistence projects of the pro-

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OFTER ARRIVED AT IN THE PAST.

Opening Up The Process

The Red Bank First Nation in New Brunswick has a complex series of potential specific claims involving reserve allocation and transactions that date back to 1783. The Red Bank First Nation and DIAND's Atlantic office decided to work together with the Specific Claims Branch.

CHIEF MICKEY AUGUSTINE COMMENTED: "IT'S BEEN A GREAT PROCESS. WE ALLISIT DOWN AND DISCUSS THE RESEARCH. ANY QUESTIONS WE MIGHT HAVE ARE ALL DECIDED THEN, THERE'S A BONDING Regular communications have become a trademark of this process. In the past, communities were not well-informed, which often gave way to frustration and dissatisfaction. By opening up the research phase, everyone moves ahead at the same pace; involving the whole community is vital to grievance resolution.

PAMELA KEATING, SPECIFIC CLAIMS BRANCH RESEARCH MANAGER, REFLECTED ON THE NEW APPROACH. "WE'RE COLLEAGUES NOW. AT THE END DE THE DAY, I CAN LOOK THE CHIEF IN THE EYE AND SAY THAY WE HAVE TURNED OVER EVERY STONE BY DESIGNEY COULD TURN DYER AND THAT THE DESIGNEY COULD TURN DYER AND THAT THE

THE KAINAIWA/BLOOD TRIBE

This Southern Alberta Tribe has been working with DIAND for several years on one big claim involving reserved allocation and Treaty Land Entitlement. Again, the Blood Tribe and the Specific Claims Branch have chosen a different path to the same goal of grievance resolution. Because the Blood Tribe had already thoroughly researched their claim, the Branch suggested that rather than starting again, DIAND could simply review the research to identify gaps. The review has been jointly verified by the Branch and the Tribe and this has fostered

ANNABEL CROP EARED WOLF, TIRBAL GOVERNMENTAL AND EXTERNAL AFFAIRS CO-ORDINATION, SAID: "BOTH PARTIES CAN BENEFIT FROM A JOINT APPROACH IN CONDUCTING ADDITIONAL RESEARCH, CONFIDERATION OF REPORTS AND THE NECESSARY APPRAISALS AND LOSS-OF-USE STUDIES. THILLINESS, AN OPEN AFFROACH AND REQUUAR CONTACT ARE VITAL [BIT] ABOVE ALL, A COMMITMENT BY BOTH PARTIES IS THE FOUNDATION FOR SUCCESS AND PRODUCTIVITY IN CARD CLAIMS."

ONCLUSION

The collaborative approach isn't a shortcut to success — in fact, it takes a lot of work from everyone involved — but it makes the pathway smoother. By establishing a common understanding of the facts, negotiations can focus on resolving the grievance. Building trust during the research and identification of a claim, helps prevent some of the misunderstandings that can arrise later. The partnerships that have resulted between Canada and First Nations are a tangible demonstration of the Specific Claims Branch's mission. The approach is consistent with the principles of mutual respect and recognition, responsibility and sharing that the government committed to in Gathering Strength — Canada's Aboriginal Action Plan. It is a process that works.

Published under the authority of Minister of Indian Affairs and Morthern Development

Ottawe, 1998 OS-5341-000-88-A1 Catalogue No. R2-90/1998 ISBN 0-662-63664-3

Minister of Public Works and Governme



particulières des

dirigeants des Premières nations et la indiennes et du Nord canadien (MAINC) ont années. En amorçant le dialogue, les parties ont créé un environnement transparent où l'on communique librement et partage l'information. La Direction générale des

approche : elle règlement des la résolution de griefs.



TONSIEUR MICHEL POY ANCIEN DIRECTEUR GENERAL DE EVENDICATIONS PARTICULIÈRES AU MAINC, A EXPLIQUÉ BUSTRES LIES DOSSIERS NE SEMBLAIENT JAMAIS VOULD ÉVOLUER. EN FAIT, NOUS NE JOUISSIONS D'AUCUNE LEXIBILITÉ ET NOUS DISCUTIONS PAR CORRESPONDANC

Nous parlons de « revendication particulière » lorsque survient, entre une Première nation et la Couronne un différend concernant un traité ou une autre entente. ou encore, lorsque la Couronne manque à cation. La conclusion d'un règlement pouvait prendre plusieurs années. De plus en plus, on effectue la recherche conjointement, on avec une détermination commune, on des griefs. À l'heure actuelle, les Premières nations et le MAINC élaborent ensemble les négociations. Dans ce contexte de chaque revendication. Il ne s'agit toutefois

> pas d'une solution universelle : ce processus ne conviendra pas nécessairement à toutes les

Après avoir identifié un grief, la Première nation, de concert avec malyse sur l'historique de la

revendication. Si le Canada accente de névocier la revendication, les parties établissent les modalités pour procéder à son soit le résultat, la recherche conjointe aura néanmoins permis d'en acriver à une compréhension commune des faits qui sont

Un nouvelle façon de régler les revendications particulières

Divers faits, dont l'origine remonte au par le chef Totononai de la nation des Oiibways, pourraient faire l'obiet de nord du lac Supérieur. À cette époque, des des villages ont été déménagés. On présume également des violations aux droits fonciers Monsieur Sam Stone chef de la Première nation de Michipicoten, était l'une des premières personnes à proposer la coopération pour régler ces griefs. Sa générale des revendications particulières.

MAIS ELLES N'ONT JAMAIS VRAIMENT ÉTÉ ABORDÉES. ELLES REPRÉSENTENT UNE OCCASION UNIQUE POUR L EXCLUSIF. NOUS VOULONS MISER SUR NOS FORCES ET TOUTEFOIS RÉGLER NOS GRIEFS HISTORIQUES AVEC LE Une entente de protocole définit les règles de à la Commission des revendications des ont établi conjointement les naramètres de la recherche et participé à la sélection du l'histoire de Michipicoten lors d'une réunion communautaire. Cette dernière a servi de mation sert à maintenir la communication.

RED BANK

Un processus plus ouvert

La Première nation de Red Bank au Nouveau-Brunswick pourrait présenter un erand nombre de revendications particulières complexes en matière d'attribution des terres de réserve et de transactions. Les faits Bank et le bureau régional de l'Atlantique de MAINC ont décidé de travailler de

Auparavant, les collectivités n'étaient pas bien informées, ce qui causait souvent des frustrations et de l'insatisfaction.

QUESTIONS QUE NOUS POURRIONS SOULEVER EST RÉGLÉE IMMÉDIATEMENT. DES LIENS SE TISSENT ENTRE

En faisant preuve d'une plus grande de la collectivité tout entière est aussi essen-

MADAME PAMELA KEATING, GESTIONNAIRE DE LA REVENDICATIONS PARTICULIÈRES, A TRANSMIS SES JOURNÉE, JE PEUX REGARDER LE CHEF DIRECTEMENT

Des progrès dans le règlement des revendications

Cette tribu du sud de l'Alberta travaille avec le MAINC depuis quelques années sur une importante revendication relative à l'allocation de terres de réserve et aux droits fonciers issus des traités. Dans ce cas ont choisi un cheminement différent pour grief. Étant donné que la tribu des Bloods avait déià effectué des recherches considérables sur sa revendication, la Direction mencer le processus, le MAINC réviserait tout simplement le rapport historique de la tribu en identifiant des lacunes au niveau de tribu ont vérifié conjointement l'étude, ce

qui leur a permis de travailler de facon étroite.

MADAME ANNABEL CROP EARED WOLF, COORDONNATRI AUX AFFAIRES DES GOUVERNEMENTS TRIBAUX EY AUX AFFAIRES EXTÉRIEURES, A DÉCLARÉ : « LES DEUX PAR IES PEUVENT TIRER PROFIT D'UNE APPROCHE CONJOIN ÉTUDES NÉCESSAIRES EN MATIÈRE D'ÉVALUATION ET DI VAVOIR DES CONTACTS RÉGULIERS, TOUTEFOIS, LES DEU PARTIES DOIVENT S'ENGAGER POUR QUE LE PROCESSU

L'approche coopérative ne constitue pas un raccourci vers la réussite - elle exige en fait beaucoup de travail de la part de tous les intervenants -, mais monieux. En avant une même compréhension des ance durant l'étape de la recherche et de l'identification d'une revendication aide à prévenir certains partenariats qui se sont ainsi formés entre le Canada conforme aux principes de la reconnaissance et du Rassembler nos forces : le plan d'action du Canada pour les questions autochtones. Voilà un processus efficace.